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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,383	06/01/2001	Hendrikus Kerkdijk	01304/LH	4727

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EXAMINER

WORJLOH, JALATEE

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/857,383

Applicant(s)

KERKDIJK, HENDRIKUS

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on June 10, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is responsive to the amendment filed on June 10, 2004, in which claims 1-8 were amended.

***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

3. Claims 1-8 were examined.

***Claim Rejections - 35 USC § 112***

4. Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 4 recites the limitation "said merchant agent" in lines 3 & 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Publication No. 2002/0004783 to Paltenghe et al.

Paltenghe et al. disclose a multimedia network with customer stations, merchant servers, and a payment server connected to it, secure electronic transactions being performed using a secure electronic transaction protocol, comprising the exchange of digital certificates, uniquely identifying the relevant transaction participants and also attesting their privileges at the merchant server, said certificates being managed by a Trusted Third Party Server (i.e. "Institutional Server") being connected to said multimedia network (see paragraphs [0053] and [0054]), and payment servers being enabled to validate the digital certificates presented and to process authorization concerning the payment, said customer stations comprising transaction management means (i.e. "local function"), fit for performing said secure electronic transactions protocol and for managing said certificates for the customer station (see paragraph [0045], [0046], lines 17 & 18) further comprising a remote customer agent (i.e. "virtual wallet") managed by agent parameters received from said customer station and thus, under the control of said parameters, representing the customer station in a negotiation process, including selecting products to be presented by the merchant server, payment for selected products being performed in a secure way, under control of said secure electronic transactions protocol and said certificates, the payment process being performed between said transactions management means and the merchant server (see paragraphs [0023], [0071] and [0075]).

Referring to claims 2 and 4, Paltenghe et al. disclose said customer station comprises an agent interface fit for transmission of codes, parameters and certificates between said customer

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agent and said transaction management means and payment process by said customer agent and said merchant is performed within a n agent negotiation server connected to said multimedia network (see paragraph [0055], [0056] and [0058]).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paltenghe et al. as applied to claim 1 above, and further in view of US Patent No. 6269343 to Pallakoff.

Paltenghe et al. disclose a merchant station (see claim 1 above). Paltenghe et al. do not expressly disclose a remote merchant agent managed by agent parameters received from said merchant station and thus, under the control of said parameters, represents the merchant station in a negotiation process, including presenting products to the customer agent or the customer station, and to have paid for products being selected by the customer agent or the customer station, in a secure way, under control of said secure electronic transactions protocol and said certificate. Pallakoff discloses a remote merchant agent managed by agent parameters received from said merchant station and thus, under the control of said parameters, represents the merchant station in a negotiation process, including presenting products to the customer agent or the customer station, and to have paid for products being selected by the customer agent or the customer station, in a secure way, under control of said secure electronic transactions protocol and said certificate (see col. 12, lines 16-29). At the time the invention was made, it would have

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been obvious to a person of ordinary skill in the art to modify the system disclose by Paltenghe et al. to include a remote merchant agent managed by agent parameters received from said merchant station and thus, under the control of said parameters, represents the merchant station in a negotiation process, including presenting products to the customer agent or the customer station, and to have paid for products being selected by the customer agent or the customer station, in a secure way, under control of said secure electronic transactions protocol and said certificate. One of ordinary skill in the art would have been motivated to do this because it secures the merchant's identity.

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paltenghe et al. as applied to claim 1 above, and further in view of US Publication No. 2003/0140007 to Kramer et al.

Paltenghe et al. disclose a customer agent (see claim 1 above). Paltenghe et al. do not expressly disclose said electronic transaction protocol, for authentication and authorization of said customer agent, a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form, using a random key, the random key being generated at the customer station for each new payment process. Kramer et al. disclose an electronic transaction protocol, for authentication and authorization of said customer agent, a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form, using a random key, the random key being generated at the customer station for each new payment process (see paragraphs [0194], [0196], and [0673]). At the time the invention was made, it would have been obvious to a person

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of ordinary skill in the art to modify the method disclose Paltenghe et al. to include an electronic transaction protocol, for authentication and authorization of said customer agent, a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form, using a random key, the random key being generated at the customer station for each new payment process. One of ordinary skill in the art would have been motivated to do this because it secures the authorization code.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paltenghe et al and Kramer et al. as applied to claim 5 above, and further in view of US Patent NO. 2002/0026575 to Wheeler et al.

Paltenghe et al. disclose a customer agent comprising specific communications certificate (see claim 5 above). Paltenghe et al. do not expressly disclose a payment start message being communicated to said transactions management means in encrypted form, using a random session key which, in turn, is sent over in encrypted form, using the customer station's public key related to said communication certificate, said message being signed with the customer agent's private key related to said communication certificate and a time stamp being added to said message in order to prevent replay by malicious parties. Wheeler et al. disclose a payment start message being communicated to said transactions management means in encrypted form, using a random session key which, in turn, is sent over in encrypted form, using the customer station's public key related to said communication certificate, said message being signed with the customer agent's private key related to said communication certificate and a time stamp being added to said message in order to prevent replay by malicious parties (see paragraphs [0115] and

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[0014]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Paltenghe et al. to include a payment start message being communicated to said transactions management means in encrypted form, using a random session key which, in turn, is sent over in encrypted form, using the customer station's public key related to said communication certificate, said message being signed with the customer agent's private key related to said communication certificate and a time stamp being added to said message in order to prevent replay by malicious parties. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paltenghe et al. and US Patent No. 6378075 to Goldstein.

Paltenghe et al. disclose a customer agent sending a payment request to a merchant server, a standard secure electronic transaction procedure is performed by the transactions management means the merchant server and the payment gateway server and after completion of the payment process the merchant server informs the customer agent of completion of the payment process, the customer agent notifies the customer station of the payment completion (see paragraph [0071]). Paltenghe et al. do not expressly disclose a merchant agent. Goldstein discloses a merchant agent. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Paltenghe et al. to include a merchant agent. One of ordinary skill in the art would have been motivated to do this because it provides additional security for data transmission and communications.



***Conclusion***

13. Please note. Applicant fails to define “agent parameters” in the specification and/or claims. Therefore, the broadest reasonable interpretation of agent parameters was utilized during examination.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for Regular and After Final Actions and 703-746-9443 for Non-Official/Draft.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

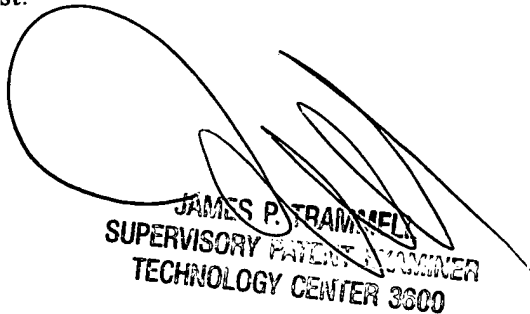
Any response to this action should be mailed to:

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, V.A., Seventh floor receptionist.

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October 13, 2004

  
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